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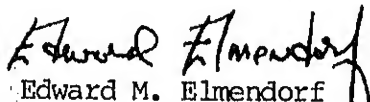
Subject: 1985 Student Financial Assistance Program Administrative Policy
Questions and Answers #2


Dear Colleagues:

Enclosed are Questions and Answers that have been submitted to the Office of Student Financial Assistance, Division of Policy and Program Development, since April 1985.

Should you have questions about any of these administrative policy interpretations, please call the Training and Technical Assistance staff in your regional office (list enclosed).

Sincerely,


Edward M. Elmendorf
Assistant Secretary for
Postsecondary Education


Daniel R. Lau, Director
Student Financial Assistance
Programs

Enclosures

Office of Student Financial Assistance
Administrative Policy Questions and Answers

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GENERAL PROVISIONS
QUESTIONS AND ANSWERS

Charge for Financial Aid Transcripts

- Q. Question 6-14 in the 1979-80 Q & A's states that an institution may charge students for financial aid transcripts. The General Provisions has no wording -- not even the word "reasonable" -- pertaining to the fee charge. What is to stop an institution from charging a significant fee for a transcript? The student must pay this fee in order to get his transcript and to be paid for Title IV aid.
- A. There is nothing in the regulations to preclude an institution from charging a reasonable fee for a financial aid transcript. However, Section 668.14(b)(2) of the General Provisions regulations states that the institution shall honor a request for a financial aid transcript from a student or the institution the student is attending or plans to attend. Thus, even if the student does not pay the fee, the institution cannot withhold the financial aid transcript, unless it is for one of the reasons specified in the regulation. It should be noted though, that the concept of reasonableness is usually considered to be present in our regulations, even though unstated. In other words, institutions are not free to act unreasonably in those areas covered by regulation, regardless of whether the regulations specifically state that they must act reasonably.

Sending Financial Aid Transcripts

Q. May an institution issue financial aid transcripts directly to students?

A. No. Section 668.14(b) of the Student Assistance General Provisions regulations stipulates, "upon request, an institution shall provide to another institution a financial aid transcript...." The regulation is specific on this issue in that the exchange shall be between institutions and not through the student.

Therefore, in issuing financial aid transcripts, an institution must send the aid transcript directly to the requesting institution(s).

Academic Year in Clock Hours

- Q. Must an institution that uses clock hours to define its academic year use the same definition for both the Campus-based and the Pell Grant program?
- A. Yes. An institution that uses clock hours to define its academic year must use the same definition for both the Campus-based and the Pell Grant programs. The school may define its academic year for the Campus-based and Pell programs as anything from 900 clock hours up to the actual length of the program, but it may not define its academic year to be shorter than 900 clock hours.

Refund/Repayment

- Q. A student initially registers for full time status, then drops credits to a number less than full time, but does not withdraw from school. Should the refund/repayment formula be applied? If the university calculates a tuition and fee refund, may this be given to the student?
- A. If the student has not withdrawn from school, the refund/repayment requirement does not apply, and the tuition and fee refund may be given to the student.
- Q. A student progressively reduces his/her credit load as described above, receiving a refund each time, and then completely withdraws from school. Must the school include the previous refunds (given to the student before he/she completely withdrew) when calculating the amount to be returned to the Title IV program accounts?
- A. Yes. The refund formula in Section 668.21 of the General Provisions is applied when the student withdraws, drops out, or is expelled. All refunds of institutional charges must be included in the formula.

Refund to Student

- Q. May an institution establish a Title IV refund attribution policy which allocates a portion of the refund to the student before amounts received from Title IV programs have been refunded to the program accounts? For example, a student receives a \$600 Pell Grant as the total amount of aid awarded for the payment period. All other educational costs including \$200 for tuition are paid in cash by the student. The student withdraws from school and the institution calculates a \$300 refund as due to the student under the school's refund policy. May the institution establish an attribution schedule which would allow a portion of the \$300 refund to be returned to the student?
- A. The institution may not establish an attribution schedule which would allow a portion of the \$300 refund to be returned to the student in this example. In this case, the entire refund of \$300 would have to be returned to the Pell Grant Program. Only when the refund is greater than the amount to be returned to the Title IV accounts under Section 668.21(a)(2), Section 668.21 (a)(3), or Section 668.21(b), would a refund go to the student.

PELL GRANT
QUESTIONS AND ANSWERS

Photocopied SAR

- Q. May payment be made on a SAR that has been photocopied?
- A. No. To prevent students from submitting SAR's to more than one school, payment cannot be made on a SAR that has been photocopied. A photocopied SAR can be easily recognized by examining the Part 3 Payment Document. Part 1 and Part 2 are printed on pink paper with black lettering and photocopies are not readily apparent when the photocopy is produced on pink paper. In contrast, most of the lettering on an original Part 3 is red and photocopying produces black letters.

Eligibility Letter Comments

- Q. On the eligibility letter, a small vertical mark appears to the left of certain comments. What is the purpose of these marks?
- A. These marks, called tick marks, appear to the left of "validation" comments and "questionable data" comments. The tick marks should help financial aid administrators to distinguish "validation" comments and "questionable data" comments from the other comments on the eligibility letter.

Certification of Student Data on the SAR

- Q. For the 1985-86 award year, the "Student Use" box on the Student Aid Report (SAR) contains a certification that the student's information concerning household size (item 22), the number enrolled in post-secondary education (item 23), and his or her dependency status (data from Section B of the SAR) is correct as of the date that the SAR is turned in to the school. (The "Student Use" box also contains the Statement of Educational Purpose and the Statement of Registration Compliance.) Must schools obtain the student's signature in the "Student Use" box attesting to the current (at the time of submission of the SAR) accuracy of items, 22, 23, and Section B?
- A. Section 690.14(b) (as published in the March 15, 1985 Federal Register) requires a Pell Grant applicant to update items 22, 23, and Section B so that they are accurate at the time the SAR is submitted. Thus, to be valid, a SAR must show household size, number in post-secondary education, and dependency status that is correct as of the date that the student first submits the SAR to the school. The Department has published the certification statement on the SAR to alert students and schools to this fact. While this statement is separate from the Statement of Educational Purpose and Registration Compliance, it is in the "Student Use" box with them, and the student needs to sign his or her name only once at the bottom of the box to acknowledge all three statements.

For those schools that use the SAR for the Statement of Educational Purpose and/or the Statement of Registration Compliance, the certification of accuracy will be noted (and signed) by the student at the same time as the other statements. When the school uses a separate Statement of Educational Purpose and/or Statement of Registration Compliance, we would encourage the school to incorporate into one of those statements a certification statement from the student to ensure that the student is aware of the requirement to update certain information on the SAR. However, there would be no institutional liability attached to the lack of such a separate statement in a student's file, since the regulation only requires that the pertinent information be updated, not that the student attest that it has been updated.

Note that when updating information, the student may still be dealing with projections. If that is the case, the student's projections will need to be reassessed so that they will reflect information that the student has at the time of the update. Also note that except in the two cases discussed below, a student may not update the information in

Section B and items 22 and 23 for changes that occur after the student first submits the SAR to the school. There are two exceptions to this rule:

1. Dependency Status. There is no deadline for changing dependency status. That is, a student has a continuing responsibility to update any changes to the answers that would affect his or her dependency status.
2. Validation. If the student is selected for validation, Section B and items 22 and 23 will have to be updated as necessary, based on information at the time of validation.

Note: Once the student has submitted the student aid application, the student may not update information based on changes to his or her marital status. Therefore, the answers for dependency status and household size cannot be updated, if the change to these answers is the result of a change in the student's marital status.

Validation

- Q. A student applies for Federal financial aid through one of the non-Federal need analysis systems, and is determined ineligible for a Pell Grant. The student submits the non-Federal need analysis report form to his school. The Financial Aid Officer learns, through the tape exchange, that the student's SAR contains the "Social Security" validation comment or the "independent student" validation comment. Is validation required before awarding Campus-based aid?
- A. Validation is not required in this case. Institutions are not required to validate recipients of Campus-based aid, though validation of these data elements would certainly be encouraged.

Parental Support in Acquiring a Home

- Q. For tax purposes, many parents are being counseled to invest in a home or condominium as a student residence. How does this assistance from the parent affect the student's dependency status?
- A. Because the house in question is not the parent's principal place of residence, the residency question on the application ("living with for more than six weeks") does not apply. However, in this situation there are two different ways in which the parent may be considered to be giving support to the student, depending on whether the parent's interest in the house is in the form of a loan to the student, or represents part ownership through a shared-equity arrangement. If the parent has made a loan to the student to help purchase the house, the value of the loan would be counted as support if it was made in the reporting years (base year or application year). In addition, if the parents are not requiring the student to pay interest on the loan, the amount of the deferred interest payments for the reporting years are considered to be support. If, on the other hand, the parents have part ownership of the house, and are not receiving rent from the student, the value of the deferred rent is considered a form of support. The value of the rent would be based on the pro-rata calculation of the student's equity vs. the parent's equity times the full rental value of the house.

Scheduled Award for Varying Full-Time Enrollment

- Q. An institution operating on the quarter system uses actual tuition and fees to calculate a student's cost of attendance, based on a per-credit hour charge. Thus, it is possible for a student to attend full-time for three quarters and receive a different Pell Grant each time. For instance, the student might have taken 12 hours in the Fall, 18 hours in the Winter, and 15 hours in the Spring, with a different cost of attendance and Scheduled Award for each quarter. How does the institution determine if the student has remaining entitlement for the Summer quarter?
- A. The student would never have additional entitlement for the Summer session in this situation. For each quarter, the student received 1/3 of the Scheduled Award for the year. Therefore, after three quarters (one academic year) the student has received a full Scheduled Award, i.e., 100% of his/her entitlement for that year. When a student has a different Scheduled Award for one or more terms at an institution, that institution is faced with a situation similar to one in which the student has transferred into the institution from another institution that had a different Scheduled Award. Thus, the procedure outlined in Section 690.65(d) and (e) (March 15, 1985 Federal Register), and on p. 4-25 of the Federal Student Financial Aid Handbook, would be appropriate.

Crediting Funds to Student Accounts

- Q. An institution uses a computerized billing system to bill students and/or parents for tuition and fees. In order to issue correct bills in a timely manner, the institution must credit financial aid payments to the students' account 6 weeks before the term begins. Section 690.78(b)(3) of the Pell regulations states that "the earliest an institution can credit a registered student's account is 3 weeks before the first day of classes of a payment period". Although the Campus-based regulations do not contain similar language, my understanding is that a similar policy was adopted for the Campus-based programs. Is the institution's practice acceptable?
- A. The institution may make a bookkeeping transaction which credits financial aid payments to the student's account more than 3 weeks before the term begins. However, it cannot actually draw down the funds and deposit funds into the student's account until 3 weeks prior to the beginning of the term.

Clock Hour Definition

- Q. The definition of a "clock hour" (Section 690.2), refers to "the equivalent of a 50 to 60-minute class, lecture, or recitation." Can an institution divide the total number of minutes of instruction in a day by 50 minutes to determine the number of clock hours in a day of instruction?
- A. No. For Pell Grant and Campus-based program award calculations, a clock hour is defined as an hour of instruction with an allowance for a 10-minute break in a given 60-minute period. If schools were allowed to divide the total number of minutes by 50, a student would earn approximately 1.17 clock hours in an hour. This is not consistent with the concept of a clock hour as an hour of instruction. For the purpose of calculating a financial aid award, a student may not earn more than one clock hour in a given 60-minute period.

Citizenship Documentation

Q. Must citizenship status be verified for each award year?

A. According to the Immigration and Naturalization Service (INS), the financial aid administrator (FAA) should follow these procedures:

If the financial aid administrator has verified that the student is in one of the following categories or holds one of the following documents, the status does not need to be verified for each subsequent award year:

- o U. S. citizen
- o U. S. non-citizen national (a native of American Samoa or Swain's Island)
- o A permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands
- o Certificate of Citizenship or Certificate of Naturalization
- o Forms I-551 or I-151

If the financial aid administrator has verified that the student holds one of the following documents or is in one of the following categories, the status does need to be verified for each award year, for the reasons given:

- o Temporary Form I-551

The student should have received his or her permanent I-551 by the next year, and should not still be holding a temporary card. Before accepting this documentation for a second time, the FAA should refer the student to INS if he or she still has a temporary I-551 a year later.

- o Refugee

The student may have been adjusted to permanent resident status, or have had his or her status revoked.

- o Person granted asylum

The student may have been adjusted to permanent resident status, or have had his or her status revoked.

*NOTE: These documentation guidelines apply to all Title IV student financial aid programs

- o Cuban-Haitian Entrant

The student may have been adjusted to permanent resident status, or have had his or her status revoked.

- o Indefinite and/or humanitarian parole

The student may have been adjusted to permanent resident status, or have had his or her status revoked.

- o Conditional Entrant

This individual is still eligible as long as he or she holds a departure record (I-94) showing admission into this status through March 31, 1980. However, the financial aid administrator should refer the student to INS, because INS is working on adjusting the status of this category of persons to permanent resident.

If the financial aid administrator has verified that the student is in one of the following categories, the status must be verified because these categories are no longer eligible (as discussed in the Q & A 85 P 1.3 "1985 Student Financial Assistance Program Administrative Policy Questions and Answers #1," dated April 1985):

- o Applicant for permanent residence holding an I-94 or passport with one of these endorsements:

- "adjustment applicant"
- "245"
- "245 applicant"
- "applicant for permanent residence"

- o Individual holding an I-94 with one of these endorsements:

- "voluntary departure"
- "deferred action"

NOTE: Please refer to the Q. on the bottom of page three for more information on these categories.

- Q. The 1984-85 Pell Grant Validation Handbook provides a list of required documentation for eligible non-citizens. Included in this documentation are the passport and departure record (I-94), which must be stamped with certain endorsements. However, the Handbook also states that INS offices do not have uniform procedures or stamps, and that the FAA should contact the local INS office if there are questions regarding the acceptability of citizenship documentation. While the Washington INS office is aware that some other INS offices do not routinely provide the specific stamp mentioned in the Handbook, they have continued to stress the importance of requiring a student to

obtain the stamp in order to prove his or her status. Thus, what should be done when an INS office states that it does not provide a certain stamp, but gives the student a letter instead?

- A. If a student has documentation unlike that described in the Handbook, he or she should be told to request the Handbook-described information from the local INS office. If that office cannot or will not provide the requested documentation but provides alternate documentation, the FAA should contact that INS office to confirm that the student in question actually is in the status reflected by the documentation he or she has from that INS office. If the INS office confirms the status, the FAA can accept such documentation and should, as usual, make a copy of it for the student's file and note in the file that INS confirmed the student's status.

- Q. The April 1985 Administrative Policy Q & A's mentions that the INS Form G-641 ("Application for Verification of Information from Immigration and Naturalization Service Records") is acceptable documentation to verify citizenship status, as long as certain conditions are met. Is the G-342, which transmits information from Service records to the party requesting the data, also acceptable?

- A. The G-342 (no form name is given on the document) contains relatively little basic information: the person's name, age or date of birth, place of birth, spaces for "other" and "remarks", date on which the birth certificate, petition for naturalization, or "other" document was recorded, and the person's file number and date on which the G-342 was completed.

This information alone is insufficient to document a student's status for Title IV purposes. If, however, the form also contains one of the endorsements discussed in the 1984-85 Pell Grant Validation Handbook, the 1985-86 Counselor's Handbook or Student Financial Aid Handbook, and in any of the Q & A's that have been published about verifying citizenship status, you may accept the G-342 as proof of verification of citizenship status. As usual, and as discussed in the April 1985 Q & A, the FAA should contact INS if there is a question regarding the student's status.

- Q. The Federal Student Financial Aid Handbook revised through January 1985 states that an individual who has submitted an application for permanent residence and has an I-94 or passport with an endorsement of "adjustment applicant," "245," "245 applicant," or "applicant for permanent residence," is eligible for Title IV aid. However, the Administrative Policy Q & A's dated April 1985, states that an individual in this category will not be eligible for the 1985-86 award year.

The 1985 Counselor's Handbook does not address these categories. Which of the publications is correct? If the April 1985 Q & A's are correct, does this mean that an individual who is being processed for permanent residence, such as a refugee, an individual who has been granted asylum, or a Cuban-Haitian Entrant will be ineligible?

- A. The Student Financial Aid Handbook is correct as of the date published, through the 1984-85 award year. The Administrative Policy Q & A's, as stated therein, apply to the 1985-86 award year. The Counselor's Handbook does not mention the categories because individuals to whom they apply are ineligible for the 1985-86 award year.

An individual who is being processed for permanent residence, such as a refugee, an individual who has been granted asylum, or a Cuban-Haitian Entrant, is still eligible. The Q & A refers to applicants for permanent residence who are not already in categories that have been designated as eligible.

Because INS offices do not have uniform procedures or stamps, as noted in the 1984-85 Pell Grant Validation Handbook and in the above Q & A, it may be difficult to determine if an individual is in an eligible category. For example, the Validation Handbook states that a refugee who is applying for permanent residence may have a copy of his or her I-94 stamped "209(a) pending. Employment Authorized," and that the person who has been granted asylum who is applying for permanent residence may have a copy of his or her I-94 stamped "209(b) pending. Employment Authorized." However, a refugee or person who has been granted asylum who is applying for permanent residence, as well as a Cuban-Haitian Entrant applying for permanent residence, may have only "applicant for permanent residence" stamped on his or her I-94. Additionally, the Cuban-Haitian Entrant may be given a separate document indicating that his or her application for permanent residence has been received.

In cases where the student's document does not indicate if he or she had been in another eligible category the FAA should ask the student if he or she has been in another category (e.g., refugee). If so, the student should be told to request documentation from INS reflecting that information.

APPLICATION FOR FEDERAL STUDENT AID
QUESTIONS AND ANSWERS

Welfare Benefits

Q. When filing an application for Federal aid, which specific "welfare benefits" are included in "other taxable income?" Are such items as heating/fuel assistance, child care payments, home weatherization benefits, and WIC benefits to be included in this category, and are they covered under the umbrella "welfare benefits?"

Are food stamps included in the same category?

A. Generally, "welfare benefits" include the untaxed income individuals receive from Federal or State public assistance programs. There are several basic categories of such untaxed income:

- o Benefits which we count. Examples: Social Security non-educational benefits, such as Supplemental Security Income (SSI) and AFDC benefits (AFSA items 20a and 20b).
- o Benefits which we cannot count because the law governing the particular program specifically prohibits the inclusion of such benefits. Example: Low-Income Home Energy Assistance (LIHEA) benefits, authorized by the LIHEA Act of 1981, which are administered by the Department of Health and Human Services through block grants to States. The Omnibus Budget Reconciliation Act specifically excludes these assistance payments or allowances from consideration as income or resources for any purpose under any Federal or State law.

Regarding the home weatherization benefits, the purpose of the LIHEA Act is to assist low-income households to meet the high cost of energy. One of the benefits for which the States are permitted to use the funds is home weatherization. Therefore, an applicant receiving benefits designated as "home weatherization" which were funded by the LIHEA Act, would not count them for Title IV purposes. However, because the States have flexibility in administering the LIHEA program, they may decide to call the benefits something other than "home weatherization," perhaps naming them "heating/fuel assistance" benefits. The States' authority to administer the program does not require them to refer to the benefits by one specific name. The point is that the benefits are not counted if they result from the LIHEA Act.

- o Benefits which we do not count because they are considered in-kind income.

Examples:

- o The benefits received under the following food programs which are sponsored by the U.S. Department of Agriculture and usually administered by the States:

- o The Food Stamp Program and the Women, Infants, and Children (WIC) Program. The instruments of exchange here, whether stamps, vouchers, or checks, state that the items are to be used for specific foods or food. This differs from a check, designating no specific purpose, made out to an individual who could cash it at will.
- o Food Distribution Program

Individuals receive food from eligible local agencies participating in child nutrition programs.
- o National School Lunch and School Breakfast Programs

Individuals receive free or reduced-price meals.
- o Child Care Program

Individuals in child care facilities receive free meals and snacks.
- o Summer Food Service Program

Individuals receive free or reduced-price meals when school is not in session.
- o Commodity Supplemental Food Program (CSFP)

Low-income women and children certified by participating local health agencies receive food.
- o Special Milk Program for Children

Children attending a participating school or institution receive free or reduced-price milk.
- o The following child care benefits which are sponsored by the U.S. Department of Health and Human Services and administered by the States:
 - o Reimbursement from AFDC for child care expenses incurred by a workfare recipient. Although these benefits are AFDC benefits, they are not counted because the individual bills the State for the amount of child care costs incurred while on workfare, and the State reimburses the recipient for that amount. No additional benefits are received.
 - o The worth of day care services that are provided by the Social Services Block Grant Programs. Not only is this considered in-kind support, but the law that created this program prohibits the State from substituting money for services.

CAMPUS-BASED
QUESTIONS AND ANSWERS

Promissory Note

- Q. A university uses a closed-end or separate promissory note for each disbursement to a student. Would this be considered a "change in the meaning of the note" as intended under Section 674.32(a)(3), if the language of the note is the same as that suggested in Appendix B of Section 674?
- A. The regulations contemplate use of one promissory note to evidence multiple disbursements to a student. However, if the university, as a matter of internal policy, chooses to use a closed-end or separate promissory note for each disbursement to a student, there are no legal obstacles to this practice. This does not constitute a change in the meaning of the promissory note.

Uniform Methodology: Contribution From Taxable Income

- Q. The question concerns the institution's option of using a zero ("0") contribution for the self-supporting student and/or spouse under approved need analysis systems. Can the institution choose to expect a "0" contribution as a "blanket" policy?
- A. The Uniform Methodology (UM) allows an institution to use a reduced Minimum Contribution from Taxable Income (MCTI) (including zero) if the standards in the UM are not appropriate for a student population. (Of course, an individual adjustment to the expected family contribution is allowed.)

Because the UM allows a reduction in the MCTI, an institution which uses the Federal family contribution (FC) may reduce the MCTI across the board at the campus if the UM standard is not appropriate. If, however, the institution reduces the MCTI to zero, and the student's CTI is greater than zero, the student's actual CTI must be used in calculating the family contribution.

An institution may reduce the MCTI for a special category of students (and apply the standard MCTI to all others not in that category) provided that the institution documents that the standard MCTI is not appropriate for most of the students in that special category.

GUARANTEED STUDENT LOAN

QUESTIONS AND ANSWERS

Retroactive GSL Deferment

- Q. A foreign school that was an eligible educational institution for the Guaranteed Student Loan Program prior to June 1, 1982, failed to sign the agreement with the Department to continue its participation in the program.

A student enrolled full-time at the institution in the fall of 1983. The school subsequently signed the agreement with the Department, and again became an eligible institution in June of 1984.

Is the student's deferment status retroactive to the date of his enrollment in September, 1983?

- A. No, a deferment is not retroactive. Section 682.508(b)(i)(ii) states that deferment is authorized for "...full-time study at a participating school...." The institution did not participate in the GSL Program from June, 1982 to June, 1984; the student enrolled in September, 1983. The deferment, therefore, can only begin with the effective date of the participation agreement signed in June 1984.

DTD -- June 3, 1985

Training and Dissemination Officers -- Region I-X

Mr. Thomas J. O'Hare
Deputy Regional Administrator
Region I: OSFA/ED -- T&D Section
J. W. McCormack Federal Building
Post Office and Court House, Room 510
Boston, Massachusetts 02109
(617) 223-6895
FTS: 223-6895

Sister Bernardine Hayes
Training and Technical
Assistance Specialist
Region II: OSFA/ED
26 Federal Plaza
New York, New York 10278
(212) 264-4426
FTS: 264-4426

Mr. Harry Sweeney
Chief, Training and Technical
Assistance Unit
Region III: OSFA/ED
P.O. Box 13716 (3535 Market Street)
Philadelphia, Pennsylvania 19104
(215) 596-0247
FTS: 596-0247

Ms. Judith Brantley
Assistant Regional Administrator
for Training and Dissemination
Region IV: OSFA/ED
101 Marietta Tower, Third Floor
Atlanta, Georgia 30323
(404) 221-4171
FTS: 242-4171

Dr. Morris Osburn
Assistant Regional Administrator
for Training and Dissemination
Region V: OSFA/ED
300 South Wacker Drive
Chicago, Illinois 60606
(312) 353-8102
FTS: 353-8103

Mr. Lyndon Lee
Assistant Regional Administrator
for Training and Dissemination
Region VI: OSFA/ED
1200 Main Tower Building, Room 1645
Dallas, Texas 75202
(214) 767-3811
FTS: 729-3811

Mr. Jerry W. Craft
Chief, Technical Assistance and
Training Branch
Region VII: OSFA/ED
324 East 11th Street, 9th Floor
Kansas City, Missouri 64106
(816) 374-3136
FTS: 758-3136

Mr. Paul Tone
Training and Dissemination Officer
Region VIII: OSFA/ED
1961 Stout Streets--3rd Floor--FOB
Denver, Colorado 80294
(303) 844-3676
FTS: 564-3676

Ms. Mary Ann Faris, Acting
Assistant Regional Administrator
for Training and Dissemination
Region IX: OSFA/ED
50 United Nations Plaza, Room 2150
San Francisco, California 94102
(415) 556-0137
FTS: 556-0137

Mr. W. Phillips Rockefeller
Chief, Technical Assistance and
Training Unit
Region X: OSFA/ED
Third and Broad Avenue, Mail Stop 102
2901 Third Avenue
Seattle, Washington 98121
(206) 442-4027
FTS: 399-4027